

**MINUTES OF THE MEETING OF THE CITY COUNCIL**

Wichita, Kansas, April 20, 2004  
Tuesday, 9:06 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Lambke, Martz, Schlapp; present.

Cathy Holdeman, Interim City Manager; Gary Rebenstorf, Director of Law; Karen Schofield, City Clerk; present.

Donna Sibai, Muslim, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

The Minutes of the regular meeting of April 13, 2004, were approved 7 to 0.

**AWARDS AND PRESENTATIONS**

Proclamations                      Proclamations were previously submitted.

**PUBLIC AGENDA**

Chuck Mosqueda                      **Chuck Mosqueda-Jabara KTTI Initiative.**

Mr. Mosqueda stated that he is here to discuss a great injustice to the people, taxpayers of Sedgwick County and City of Wichita, as well as the employees of Wichita Area Technical College, and that this endeavor is to help protect the tax dollars of our community. About a month ago there was a TV interview with Peter Gustaff, who is with the Wichita Chamber of Commerce, and he was soliciting funds through State, Federal, and local leaders to build a new A&P program at Jabara Airport. Projected cost for the new Jabara facility will take about \$25-35 million dollars. Back in 2002, he convinced the airport instructors that KTTI was great news for the college and now he feels as though he has betrayed them and made him a liar to his peers. Stated that he has asked the BOE if they were still partners in this and they said no. He is now asking if the City of Wichita is still partners in this and if so this construction should be put to a vote of the people through a bond initiative. Stated that the City of Wichita should no longer be a party to diverting workforce retraining dollars away from the unemployed workers. He feels KTTI is a waste of taxpayer's dollars and it is duplicating existing programs, which have taken since 1920 to develop.

Phil Fitzmaurice                      **Phil Fitzmaurice-Request for zone change, ZON2004-06.**

Mr. Fitzmaurice stated that he is here in regards to a zoning change from single-family residential to limited industrial with a protective overlay district located south of 37<sup>th</sup> Street North and west of Broadway. He and his neighbors feel that the MAPC decision overlooked their opinions and proposed a compromise that they do not want. Stated that this business has trucks that beep all through the day and night, creates dust in the air and has never seen water being sprayed to reduce the dust. Asked why the Wichita taxpayers are being ignored in a rude and unfair way. Asked the Council Members if there is anything that can be done and that the neighbors in this area are willing to fight to the end and does not think that this company belongs there.

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## UNFINISHED BUSINESS

### **4237 EAST MENLO      REPAIR OR REMOVAL OF UNSAFE STRUCTURES, 4237 EAST MENLO. (DISTRICT III)** **(Continued from December 16, 2003)**

Kurt Schroeder      Office of Central Inspection reviewed the item.

Agenda Report No. 03-1306A

This property was before the Board of Code Standards and Appeals (BCSA) on October 13, 2003. No repairs had been made to the property, and the BCSA recommended 10 days to start demolition and an additional 10 days to complete.

The case was before Council for a hearing on December 16, 2003. Matt Foley, representing the organization which owns the property, was present and Council adopted a resolution allowing 120 days to complete the exterior repairs to the property, and if not complete return to Council with a progress report.

Work is still in progress on the exterior of the structure. Siding and new window units have been installed on the north and south sides. Roof overhangs have been added and the rear, fire damaged portion of the structure has been removed down to the floor joists.

The structure is secure. There is construction material on the premises.

Taxes: The 2003 taxes are due by May 10, 2004.  
The owner has been notified of the date and time of this hearing.

Mayor Mayans      Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--      Lambke moved to It is recommended that the City Council close the public hearing, adopt the resolution declaring the building a dangerous and unsafe structure, and allow a final sixty (60) days to complete the exterior repairs to the structure. Any extensions of time granted to repair the structure would be conditioned on the following: (1) All taxes have been paid to date, as of April 20, 2004; (2) the structure has been secured as of April 20, 2004 and will continue to be kept secured, and (3) the premises are mowed and free of debris as of April 20, 2004 and will be so maintained during renovation. Motion carried 7 to 0.

--carried

## RESOLUTION NO. 04-188

Resolution finding that the structure described as: Lot 76, Block G, Hilltop Manor, a replat of parts of Hilltop Manor and Hilltop Manor Second Addition, being a subdivision in Section 26, Township 27 south, Range 1 east of the 6th P.M., Sedgwick County, Kansas known as 4237 East Menlo, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Brewer moved that the Resolution be adopted. Motion carried 7 to 0.

## NEW BUSINESS

### **GRANT PROGRAM      FIREFIGHTERS GRANT PROGRAM.**

Larry Garcia      Fire Chief reviewed the item.

Agenda Report No. 04-0407

The Defense Authorization Act for FY 2002 authorized the Federal Emergency Management Agency (FEMA) to make \$750 million in grants to fire departments. The programs and associated activities, eligible for this year's grant program are as follows: Operations and Firefighter Safety Program; Fire Prevention Program; Firefighting Vehicle Acquisition Program. Applicants can apply for only one of

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the three programmatic areas, however within the selected programmatic area, applicants may apply for a number of activities. There will be no partial grant awards under the Program.

The Wichita Fire Department currently has a sufficient number of personnel assigned to 'rescue' responsibilities. However, there is inadequate rescue equipment and training to manage a moderate or large incident. For example; of the hydraulic extrication tools carried on our light rescue vehicles, three of the nine tools are too old to provide adequate and dependable service. The Wichita Fire Department is also in need of four additional units to provide the minimum coverage geographically for the City of Wichita. The grant application, if approved, will be used to provide the Wichita Fire Department with the search and rescue equipment and training necessary to reach, extricate and treat victims of a large scale disaster in a self-sufficient, organized and timely response for the first 12-24 hours after a Weapons of Mass Destruction (WMD) event or natural disaster.

The cost for the search and rescue equipment is \$541,435. The cost for the collapse shoring, equipment use, search team operations, and Weapons of Mass Destruction training is \$93,600. The total cost for equipment and training is \$635,053. The City's match of the total cost would be \$190,510 leaving \$444,543 to be funded through the Assistance to Firefighters Grant Program. Matching funds are not budgeted and will need to come from the General Fund reserves.

Mayor Mayans	Mayans inquired whether anyone wished to be heard and no one appeared.
Council Member Martz	Council Member Martz inquired as to where this \$190,000 would come from.
Cathy Holdeman	Interim City Manager explained that it would come from the General Fund reserves should the City be selected for this grant.
Motion--	Mayans moved that the grant application be approved; the necessary signatures be authorized and the appropriation of \$190,510 from the General Fund reserves as grant match funding, subject to an award by the granting agency, be directed. Motion carried 7 to 0.
--carried	

## **EVIDENCE FACILITY POLICE PROPERTY AND EVIDENCE FACILITY RELOCATION. (DISTRICT I)**

Terri Moses Deputy Police Chief reviewed the item.

Agenda Report No. 04-0408

Police Property and Evidence was formerly housed in City Hall on the 9th floor before moving into the vacated vehicle maintenance garage that was located at the west end of the old City Hall Parking Garage. In June 1990, as a result of a severe storm, the west brick facade of the City Hall Parking Garage collapsed onto the roof of the Property and Evidence facility. Because of the damage, the Parking Garage was eventually demolished and Property and Evidence was moved from one temporary facility to another until moving into a City-owned facility at 720 West Second Street.

On August 20, 1996, the City Council authorized the relocation of Property and Evidence into another City-owned facility at 740 West Second Street as the 720 West Second Street facility was demolished as part of the McLean Boulevard relocation project.

On May 22, 1990, the City entered into a lease agreement with Cessna Aircraft Company to rehabilitate the facility located at 2103 East 21st Street North for use as a sub-assembly and learning center for disadvantaged citizens. Cessna rehabilitated the property with a CDBG loan and has since repaid the loan. In 1997, Cessna transferred the sub-assembly and learning center to the new, larger facilities known as the Cessna 21st Street Learning and Work Campus on the former Heartspring Campus.

On May 1, 2001, the City Council approved an extension of the lease for 2103 East 21st Street for an additional ten years to permit the facility to be used to support aircraft manufacturing. Under the terms of the lease extension, Cessna agreed to be responsible for all maintenance, insurance, and taxes, as well as \$51,072 per year in rent.

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Property and Evidence has been operating from the facility located at 740 W. Second since 1996 but have out-grown the facility. They currently store crime scene material at five different facilities at various locations throughout the City. Expansion of this facility is not possible because it is land locked.

In 2002, the Police reviewed a facility at Washington and Waterman that could have been purchased by the City for Property and Evidence. The purchase of this facility for Property and Evidence was discussed at a Council workshop at which time the Council direction was examine the possibility of renovating the City-owned facility (Rounds and Porter) located at 430 North Waco Street. On October 23, 2002, the City entered into a contract with Wilson Darnell Mann Architects (WDM) to provide professional services in connection with the modification of a portion of the former Rounds and Porter building for Property and Evidence. The estimated cost to remodel space in the south 1/3 of the Rounds and Porter facility is \$675,794.

In January 2004, staff was requested to examine the feasibility of using the City-owned Cessna facility at 2103 East 21st Street North for Property and Evidence. This opportunity came about because of Cessna's request to cancel their current lease agreement because of a down turn in the aerospace market. Under the existing architectural contract, WDM was asked to review the feasibility of using the Cessna facility for Property and Evidence

The Cessna facility has the same square footage as the facility at 740 West Second therefore a 9,600 square foot addition would need to be added to the south side of the Cessna facility. Other modifications would include but not be limited to a new drive onto Piatt, relocation of site fencing, re-work of existing site paving, and interior remodel for offices, property and evidence drop off, crime scene investigation, etc. The front and side elevations would remain unchanged to stay within the 21st Street corridor design.

WDM has completed the site and floor plans and has concluded the Cessna facility could be renovated for \$675,000.

The Police Department has concluded their review of the Cessna facility and feels this location, although not located close to the courts, is an acceptable location because of the close proximity to I-135. This site with the recommended modifications/improvements would allow Property and Evidence to operate well into the future without additional expense except for normal operating costs. In addition, they believe the added Police presence will enhance the ability to develop new business opportunities along the 21st Street Corridor.

Funding for the project is budgeted in the 2004 Capital Improvement Program for \$675,000. Due to the increased size of the new facility, operating costs are estimated to increase approximately \$30,000. These costs will need to be budgeted in the Police Department annual operating budget

- Council Member Lambke Council Member Lambke stated that he has concerns with this building being too far away from police headquarters.
- Terri Moses Deputy Chief Moses stated that this building is located in the core area and would be more accessible for outlying police beats turning in property and evidence than coming downtown.
- Council Member Lambke Council Member Lambke asked if it would be possible to use part of the Rounds and Porter building and save money in the process.
- Cathy Holdeman Interim City Manager explained that they have looked at using a portion of that building and that the cost estimate for renovations of this building was the same number as the proposed site and it was transferred over to the Cessna facility to include the expansion of that building.
- Council Member Lambke Council Member Lambke stated that he would not be supporting the move to 21<sup>st</sup> Street.
- Council Member Gray Council Member Gray stated that even if the renovation costs are transferred, you are still looking at a net increase of \$81,000 a year and operational expense of the loss of the lease space with the facility on 21<sup>st</sup> Street and plus the added expense of it.

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- Terri Moses Deputy Police Chief stated that there would still be an increase to operating cost at Rounds and Porter and they have been in this building, which needs a lot of work and they would only take up two floors of that building. In terms of ADA accessibility, the parking lot and the time frame to get into it would be a lot longer than the Cessna facility and the future of the Rounds and Porter building puts them in a tenuous situation if someone was to come and occupy the third floor. The Cessna facility would put them in a building that is already owned by the City and the cost difference between the two is basically the loss of the lease to Cessna. Stated that their preference is to go to the building at 21<sup>st</sup> Street, it is a structurally sound building and except for the expansion of the building, they could move in today and that their needs are fairly critical.
- Council Member Fearey Council Member Fearey stated that it is her understanding through the Historic Preservation Board that the Rounds and Porter building is constructed out of concrete and not to be painted. If the City would choose to paint it, it would be a constant upkeep. This building is also possibly eligible for being listed on the national register and there are tax credits available for that. Even though the City cannot use the tax credits, they can be sold and usually get about .85 to .89 cents to the dollar that can then go into restoring a building such as that.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.
- Mayor Mayans Mayor Mayans stated that he shares some of the same reservations that the Council Members have and personally thinks that the location on 21<sup>st</sup> Street is too far and that this area needs to be used for economic development and does not feel that this would be the proper use.
- Motion-- Mayans moved to defer this item until there is more discussion regarding other alternatives.
- Council Member Brewer Council Member Brewer stated that he is in agreement with the deferral but that the Council needs to physically take a walk through the Rounds and Porter building and look at the building to get a mental picture and see exactly what we are dealing with rather than just a drive-by speculation and to also make a firm commitment to the Police Department that the dollars will be invested and give a time line.
- carried Motion carried 7 to 0.

**TITLE 20.08.120 REQUEST TO WAIVE TITLE 20.08.120 SPACING REQUIREMENTS FOR PLACEMENT OF AN ALTERNATIVE CORRECTIONAL HOUSING FACILITY AT 3601 NORTH ST. FRANCIS. (DISTRICT VI)**

Kurt Schroeder Office of Central Inspection reviewed the item.

Council Member Martz momentarily absent.

Agenda Report No. 04-0409

The Alternative Correctional Housing Ordinance (Title 20.08 of the City Code) was first enacted by the City Council in October 1996. Section 20.08.120 of the Alternative Correctional Housing (ACH) Ordinance does not permit any new alternative correctional housing facility to be licensed if it is within 1,200 feet of various incompatible uses, including public or private preschools; elementary, middle and high schools; day care centers; public parks or playgrounds; private businesses that primarily serve children or youth under age 18; residences or agencies that provide on-site services to persons with developmental, physical or mental disabilities; taverns or drinking establishments; adult entertainment establishments; and residential zoning districts.

Section 20.08.130 of the ACH Ordinance sets forth appeal and hearing procedures relating to the granting or denial of any ACH license, with the ultimate decision regarding such appeals being placed with the City Council. Section 20.08.120(d) requires that appeals relating to the 1,200' spacing requirement be first assigned to the Alternative Correctional Housing Advisory Board to review, conduct a public hearing and make a recommendation to the City Council. The City Council must consider the matter on the record, but is not required to conduct another public hearing.

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In March 2004, DCCCA, Inc. requested the Office of Central Inspection to review the proposed location at 3601 N. St. Francis for compliance with Unified Zoning Code and ACH Ordinance compliance. DCCCA, Inc. intends to move its current, licensed alternative correctional housing facility located at 122 N. Millwood, which is legally non-conforming to both zoning and licensing location requirements (across the street from residential zoning), to this new industrially zoned location. The proposed location at 3601 N. St. Francis is generally located in an industrially zoned and developed area. This site meets all Zoning Code requirements for use as a correctional placement residence, but does not meet the ACH Ordinance requirements for a minimum separation of 1,200' from two drinking establishments/taverns (1,104' to one and 1,179' to the other); a residentially-zoned but un-developable strip of land (1,073'); and a small private school located within an industrial building on the Love Box complex on 37th St. North (676').

On April 8, 2004, the Alternative Correctional Housing Advisory Board reviewed the minimum distance separation appeal/variance request from DCCCA, Inc. and conducted a public hearing as required by Section 20.08.120(d) of the Ordinance. DCCCA, Inc. representatives and city staff provided testimony at the hearing. No other citizens appeared at the hearing or provided verbal or written comment on the appeal/variance request.

After hearing testimony, asking questions of staff and the applicant, and reviewing the appeal in detail, the ACH Board recommended that the minimum distance separation appeal/variance request be approved, based on the following:

1. The proposed location is in the middle of a heavy industrialized and industrially zoned area as was intended by the ordinance and by the Zoning Code.
2. There are significant physical barriers between this location and the bars/taverns, and 37th St. North serves as a significant physical barrier to the small school located within the Love Box manufacturing facility/complex.
3. The private school located within the Love Box facility is small (25-30 students), and the young adults (7th – 12th grades) are not getting to school by foot, and are most likely transported to and from by a parent who works in the Love Box facility.
4. The small strip of single-family zoning is not developable, and is located between developed commercial property and zoning.
5. The spirit and intent of Section 20.08.120 is still met if the spacing requirements are reduced.

The Council's action on this matter will have no financial impact on the City.

The requirements of Title 20.08 have been followed as related to this variance/appeal request and its related notifications and hearing. The Ordinance does not require the City Council to conduct another public hearing on this matter.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Fearey moved that the Alternative Correctional Housing Advisory Board's recommendation to grant the appeal/variance request from DCCCA, Inc. to waive the minimum 1,200' Alternative Correctional Housing Ordinance minimum distance separation requirements for the proposed Alternative Correctional Housing facility to be located at 3601 North St. Francis be allowed. Motion carried 7 to 0.

--carried

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## INTER-LOCAL AGMT NEIGHBORHOOD REVITALIZATION PLAN-ORDINANCE AND INTER-LOCAL AGREEMENT.

Tom Smith

Acting Assistant Director of Finance reviewed the item.

Agenda Report No. 04-0410

The Neighborhood Revitalization Plan addresses the legal requirements for both the implementation of the State Neighborhood Revitalization Act and the HUD Neighborhood Revitalization Strategy Areas. The Neighborhood Revitalization Plan utilizes authority Kansas's cities have under State law to provide tax rebates to owners in designated neighborhood revitalization areas an incentive for improving private property. The Plan also focuses CDBG, and HOME funding in the Local Investment Areas to provide a significant visual impact on specific areas and to provide an incentive for private investment.

The Plan will be effective July 1, 2004 and terminate June 30, 2008, unless extended by the City Council. The City Council will have the option to review the Plan annually (or sooner) and make any appropriate adjustments in the various elements of the Plan.

Sedgwick County staff has reviewed the Neighborhood Revitalization Plan and have suggested a number of minor technical wording changes. City staff concurs with the revisions.

The estimated financial impact on the City over the five-year life of the plan is estimated at \$201,000 for tax rebates. After five years, the City will capture the increased value of the properties receiving a tax rebate.

The Inter-local Agreement complies with K.S.A. 12-2904. The Neighborhood Revitalization Plan is in accordance with the requirements of K.S.A. 12-17,114 et.seq. The Neighborhood Revitalization Plan will be fully implemented upon the publication of two consecutive weekly public notices, public hearing and the signing of the Inter-local Agreement by Sedgwick County and School District #259.

Tom Smith

Mr. Smith stated that consultation with the law department has indicated to him that the recommended action on the agenda report is in error and that the wording needs to be corrected to match the ordinances and staff would recommend that the recommendation read as follows: It is recommended that the City Council place on first reading the ordinance approving the Neighborhood Revitalization Plan and Inter-local Agreement and authorizing the necessary signatures and set the second reading for May 11, 2004.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Mayans moved that the Neighborhood Revitalization Plan, as revised, be approved; the Ordinance adopted on the first reading; the Inter-local Agreement and the appropriate signatures for the Inter-local Agreement be authorized.

Gary Rebenstorf

Mr. Rebenstorf stated that the recommendation that Mr. Smith made as far as the action to take is the law department's recommendation from a legal standpoint and that would be the action to take and not the language that is in the agenda report.

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## SUBSTITUTE MOTION

Subst. Motion--

Carried

Mayans moved that the Ordinance approving the Neighborhood Revitalization Plan and Inter-local Agreement be placed on first reading; the necessary signatures be authorized; and that second reading of the Ordinance be set for May 11, 2004. Motion carried 7 to 0.

## ORDINANCE

An Ordinance of the City of Wichita, Kansas, to adopt a Neighborhood Revitalization Plan and designate the areas within the City of Wichita, Kansas, to be included with such plan, and to authorize and approve a certain Interlocal Agreement by and among the City of Wichita, Kansas, The Board of County Commissioners of Sedgwick county, Kansas and Unified School District No. 259, Sedgwick County, Kansas, pertaining to administration of the neighborhood Revitalization Plan and the issuance of tax rebates thereunder.

## WER

### WICHITA EMPLOYEE'S RETIREMENT AND POLICE & FIRE RETIREMENT SYSTEMS ACTUARIAL VALUATION REPORTS, JANUARY 1, 2003-DECEMBER 31, 2003, PRESENTATION BY THE RETIREMENT SYSTEMS' ACTUARY.

Carla Palmer

City Treasurer introduced Pat Beckham from Milliman USA to address this item.

Pat Beckham

Ms. Beckham reviewed the item.

Council Member Schlapp momentarily absent.

Agenda Report No. 04-0411

The Board of Trustees for both the Wichita Employees' Retirement (WER) System and the Police & Fire (P&F) Retirement System employ Milliman USA to serve as technical advisor/consultant and to supply the Boards with information relative to actuarial phases of the operations of the Retirement Systems. The actuary recommends the mortality, interest, and other required actuarial tables; prepares an annual valuation of liabilities and reserves, and makes an annual determination of the amount of contributions necessary to meet requirements for annuities and benefits, certifying the results to the Boards; and reviews the operating experience of the Systems as a check of the adequacy of the recommended actuarial standards.

The funding objective of the WER and P&F Systems is to establish and receive contributions, expressed as percents of active member pension able payroll, which will remain approximately level from year to year, and will not have to be increased for future generations of citizens in the absence of benefit improvements. The Systems are supported by: (1) Member contributions; (2) City contributions; and (3) investment income from the Retirement Systems' assets.

1. The actuary's valuations state that for the fiscal year beginning January 1, 2005 the ranges for the City's required contributions to the Systems are 3.1% to 8.9% for WER and 13.6% to 17.0% for P&F, both stated as a percent of active member pension able payroll. These rates are based on the benefit provisions and active member contribution rates in effect December 31, 2003. Of the total dollar amount contributed to WER, City contributions for Plan 3 (a defined contribution plan) are allocated to Plan 3 individual members' accounts.

The employer funding objective contribution requirement has been computed to remain level from year to year as a percentage of active member pension able payroll, so long as benefits and demographic make-up of members does not change materially, and experience assumptions are realized.

2. The funded ratio (liabilities covered by assets) and Employer (City) contributions for WER and P&F Systems over the past three (3) years are shown below:

WER	Period Ending	Funded Ratios	Employer Contributions
	December 31, 2001	121.2%	4.7%
	December 31, 2002	117.0%	4.7%



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December 31, 2003	115.4%	4.7%
P&F Period Ending	Funded Ratios	Employer Contributions
December 31, 2001	111.4%	10.9%
December 31, 2002	106.2%	14.0%
December 31, 2003	106.8%	14.0%

3. In summary, the actuary's reports reflect that the aggregate experience of the Retirement Systems during the twelve months (12) ended December 31, 2003 was as expected except for a small net gain/loss in each plan, due to experience. The slight change in the funded ratios and the consistent funding objective employer contribution rates from 2004 to 2005 reflect the experience during the year.

In conjunction with the actuary's recommendation and in keeping with the City's current policy of maintaining level contribution rates, the Department of Finance recommends continuation of the City's current contribution rates, expressed as a percent of active member pension able payroll, of 4.7% for WER and 14.0% for P&F for the fiscal year 2005.

Under the ordinances creating the two pension systems, the City is statutorily required to contribute the actuarially required contributions to the Retirement Systems.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion-- Mayans moved that the Wichita Employees' Retirement and Police & Fire Retirement Systems Actuarial Valuation Reports (January 1, 2003 – December 31, 2003) as submitted, be received and filed and the 2005 Employer retirement fund contribution rates be approved. Motion carried 7 to 0.  
--carried

## **HEALTH & BENEFIT HEALTH AND BENEFIT CONSULTANT CONTRACT.**

Kelly Carpenter Acting Finance Director reviewed the item.

Mayor Mayans momentarily absent, Vice-Mayor Brewer in the chair.

Agenda Report No. 04-0412

The City Council directed staff to receive competitive bids for the City of Wichita's 2005 health insurance plan. To initiate this process, the Health Insurance Advisory Board met. The Board approved using an independent Health and Benefits Consultant to assist in the selection process of a health insurance plan. The Health Insurance Advisory Board approved the Request for Proposal and authorized the Department of Finance to issue the RFP. In conjunction with the Request for Proposal process to select a Health and Benefits Consultant, staff contacted the Insurance Association of Life and Health Underwriters to determine if any member would consider this project. There was not an interest at this time.

The Request for Proposal (RFP) was issued through the City's Purchasing system. The RFP requested the vendor to:

- Review the existing benefit plan and make recommendations for cost-effective improvements.
- Survey and prioritize health care and benefit plan needs.
- Establish strategic goals and objectives for 2005 health care and benefit plans.
- Develop competitive bid specifications for the 2005 City Health Plan (medical, vision and prescription). The RFP requested the consultant to review other City employee benefit programs (such as dental, group term life, disability etc.) and determine if these products are still viable and competitive.
- Screen vendors and assist with final recommendations for providers and contract terms.

A summary of the Request for Proposal evaluation criteria:

- The firm has experience and expertise based on past projects to carry out the project.
- The quality of the firm's professional staff assigned to the project is commensurate with project needs.

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- The firm has experience with health and benefit plans, particularly as they relate to municipal corporations.
- The firm has experience with evaluating consumer-driven health care plans in general.

A bid notice was published in the official newspaper on January 28, 2004, the RFP was placed on the City's e-Procurement web site and notices were mailed to 95 different firms across the United States. A total of 11 written proposals were received.

A 10 member Screening and Selection Committee was created to review the proposals. The Committee was comprised of representatives from: City Manager's Office; Department of Finance; Personnel; Department of Law; retiree; and the four employee bargaining groups (Employees Council; Fraternal Order of Police; International Association of Fire Fighters and Service Employees Union). The Screening and Selection Committee also comprised a majority of the members of the Health Insurance Advisory Committee.

The Screening and Selection Committee reviewed all eleven written proposals and independently ranked each proposal based on the ranking criteria listed in the RFP. The top four firms were selected to make detailed presentations to the Screening and Selection Committee. The detailed presentations were held March 31, 2004. Following the detailed presentations, the Screening and Selection Committee independently ranked the presentations and proposals based on the ranking criteria listed in the RFP.

The Screening and Selection Committee recommends award of the contract to the firm of Hilb Rogal & Hobbs (formerly Dulaney, Johnston and Priest) of Wichita based on experience of previous projects and the staff as well as price. Hilb, Rogal & Hobbs (HRH) was the lowest cost of the final four at \$88,000. In addition, HRH agreed to place 10 percent of their fee "at-risk" subject only to the full satisfaction of the City. HRH proposed using their lead consultant who has twenty years experience in advising clients on benefit matters, a Fellow of the Society of Actuaries to serve as the expert in the evaluation of health care claims data and a Registered Pharmacist to assist in evaluating the current prescription plan and competing pharmacy vendors.

The Health and Insurance Advisory Board has approved the selection of Hilb, Rogal and Hobbs to provide support in the selection of the City of Wichita's 2005 health insurance plan. The advisory board will participate in conjunction with the Department of Finance and the Consultant in the selection of the 2005 health insurance plan.

As an alternative, the City Council could appoint two City Council members to serve on the advisory board for a limited period during the selection of the 2005 health insurance plan.

The contract would be for a not to exceed fee of \$88,000. Funds are budgeted in the Group Health Insurance Fund to pay for a consultant.

Mayor Mayans	Mayor Mayans inquired whether anyone wished to be heard.
Lt. Thomas Anderson	Mr. Anderson stated that he represents the Fire Union and is also on the Health Insurance Advisory Board and a Consultant Search Committee member. Stated that he was supportive of this consultant choice, but in light of today's article in the newspaper and the problems that the City has had in the past, he is asking on behalf of the Fire Union that the City reconsider this choice to avoid any semblance of impropriety and urges reconsideration.
Council Member Martz	Council Member Martz stated that he thought the conflict of interest issue was answered and that there was not a conflict of interest.
Gary Rebenstorf	Mr. Rebenstorf stated that based on the information that he was able to review there does not appear to be a conflict of interest from the standpoint of a legal conflict.
Council Member Fearey	Council Member Fearey concerned that this discourages people who work for a firm from serving on a non-profit board because there might be a conflict of interest in their firm and is not in favor of deferring this item.

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- Council Member Brewer Council Member Brewer stated that he feels that the appropriate action is to defer this until the next meeting to give staff an opportunity to look into it further and bring back some other type of ruling to solidify whether or not this is okay.
- Robert Ritchew Mr. Ritchew stated that he was one of four vendors that the committee considered for this and that his company was proposing to use consultants who are in Wichita. Stated that he was disturbed when he saw that the company that was going to be awarded for this was going to use a consultant from a Boston office that would need to travel back and forth. If deferring this is a question, he feels that this should be one item to be looked at as well.
- Craig Spickard Mr. Spickard stated that he is a representative of the Service Employees International Union and was on the committee that went through this process. Stated that he disagrees with Tom Anderson's opinions. Stated that they did go through the process and looked at all of the proposals that came back to them and went through the ranking processes. Service Employees Union is comfortable with this choice and are confident that HRH would be a good company to work with. Stated that if this process is allowed to be deferred it will just set them back farther in their time frame and they do not have a lot of time to go through the process that is necessary for them to come up with another company for 2005. Stated that HRH was very confident that they could handle the process in a timely manner and work with the City of Wichita to do what is necessary to help get what is needed.
- Motion-- Mayans moved to defer the item and instruct the legal department to ask for an Attorney General's Opinion on whether this constitutes a conflict of interest.
- Council Member Fearey Council Member Fearey inquired whether the Council could vote on this contingent upon Gary Rebenstorf finding by Friday, April 23<sup>rd</sup> that everything is okay and if it is not then the whole issue would come back to the Council.
- Council Member Lambke Council Member Lambke stated that he feels that the Council needs to take some kind of action today and that the process was followed and the Council has a recommendation and thinks that this issue should be resolved. Stated that he is not in favor of deferring this.
- Council Member Martz Council Member Martz stated that he is also concerned with delaying this process and feels comfortable with going ahead and voting on this pending the fact that if there is a conflict it would resurface. Stated that he would not be in favor of deferring this.
- Council Member Brewer Council Member Brewer stated that he feels it would be best to get an AG's opinion.
- Council Member Fearey Stated that she will be voting against this because she thinks that the Council is saying that the paper can print a story and the Council will run with their tails tucked between their legs, and a message that is being sent to the business community is that you should discourage your employees to do the good work of this City and give your money and your time because if your company ever wants to go after a city contract the newspaper is going to dig up what they can so that they can run this show instead of the Council running it and she is not willing to do that.
- carried Motion carried 4 to 3, (Nays-Lambke, Martz and Fearey).

## CITY COUNCIL AGENDA

- Motion--carried Martz moved to set aside the rules and take an off-agenda item. Motion carried 7 to 0.
- (Off-agenda item)**
- Council Member Martz Council Member Martz stated that recently there has been an issue come up in his district and other districts regarding billboards being constructed that he feels are out of compliance or out of line with the types of structures that are within their area. Stated that the City's sign and zoning codes need to be reviewed and updated. On west 21<sup>st</sup> Street there is currently one new billboard going up that is completely out of line with the other types of structures and there is a second one also in that area. There are going to be two of these billboards between Ridge and Tyler, which is two within a mile

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distance. Stated that he would like to look at the possibility of changing the zoning codes so that this can be corrected. Stated that he is going to ask for a moratorium regarding this issue and thinks that public discussion is needed on this issue and believes that it can be done at a council meeting, and do not need to involve the DABs.

Council Member Fearey Council Member Fearey stated that she would support a six-month moratorium but would like this to come before her DAB.

Council Member Gray Council Member Gray stated that he is also in favor of this.

Council Member Lambke Council Member Lambke stated that there are a lot of business owners that are not going to like to be shut down for six-months.

Council Member Martz Council Member Martz stated that he feels that the Council has an obligation to the citizens of Wichita for the beautification of the City and this is a part of that beautification process.

Motion-- Martz moved that the Council hold a public hearing on May 4, 2004, to consider the adoption of a moratorium for 180 days on the issuance of permits for billboard signs in the City of Wichita, that staff present the proposed resolution to establish a moratorium and conduct a study of the regulation of billboard signs and that the Interim City Manager instruct the Office of Central Inspection not to receive any new applications for billboard signs before the hearing on the moratorium resolution. Motion  
--carried carried 6 to 1, (Lambke-no).

## APPOINTMENTS

### BOARD APPOINTMENTS.

Council Member Gray Council Member Gray stated that he would like to appoint Frank Rash to the Mechanical Board.

Council Member Fearey Council Member Fearey stated that she would like to appoint Warren Wellenberg to the Board of Code Standards and Appeals and Marguerita LaFerrell-Hunt to the Arts Task Force.

Motion--carried Mayans moved that the appointments be made. Motion carried 7 to 0.

## TRAVEL EXPENSES

### APPROVAL OF TRAVEL EXPENSES FOR VICE MAYOR BREWER TO ATTEND NATIONAL LEAGUE OF CITIES CED SPRING STEERING COMMITTEE MEETING IN GAITHERSBURG, MD, MAY 13-15, 2004.

Motion--carried Mayans moved that the expenditures be approved. Motion carried 6 to 1, (Lambke-no).

## TRAVEL EXPENSES

### APPROVAL OF TRAVEL EXPENSES FOR COUNCIL MEMBER MARTZ TO ATTEND NATIONAL LEAGUE OF CITIES HD SPRING STEERING COMMITTEE MEETING IN PROVIDENCE, RI, JUNE 3-5, 2004

Motion--carried Mayans moved that the expenditures be approved. Motion carried 6 to 1, (Lambke-no).

### CONSENT AGENDA

Motion--carried Mayans moved that the Consent Agenda be approved as consensus Items. Motion carried 7 to 0.

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## BOARD OF BIDS

### REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED APRIL 19, 2004.

Bids were opened April 16, 2004, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

Driftwood from the east line of Meridian Avenue to the east line of Blue Harbor; Driftwood Court adjacent to Lots 1 to 21, Block 1, and Captiva from the south line of Driftwood to the south line of Harbor Isle Third Addition; Sidewalk along one side of Driftwood to serve Harbor Isle Third Addition - south of 53rd Street North, east of Meridian. (472-83237/765842/490953) Does not affect existing traffic. (District VI)

Kansas Paving Company - \$461,123.60 (Base bid with Alternate 1)

2004 sanitary sewer reconstruction, Phase 4 - various locations north of Harry, between West Street and 143rd Street East. (468-83778/620402/664522) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,III,IV,VI)

WB Carter Construction - \$275,000.00

Traffic signalization at Central Park & Maize - Central Park & Maize, north of 21st & Maize. (472-83957/765858/490969) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Phillips Southern - \$73,556.00

Traffic signalization at 21st Street North & Regency Lakes - 21st & Regency Lakes, west of 21st & Greenwich. (472-83954/765859/490970) Traffic to be maintained during construction using flagpersons and barricades. (District II)

Phillips Southern - \$95,125.00

Lateral 358 Four Mile Creek Sewer to serve Crestview Country Club Estates Overbrook 5th Addition - north of Central, east of 143rd Street East. (468-83709/744043/480731) Does not affect existing traffic. (District II)

Mies Construction - \$44,042.00

Water distribution system to serve Crestview Country Club Estates Overbrook 5th Addition - north of Central, east of 143rd Street East. (448-89882/735177/470847) Does not affect existing traffic. (District II)

McCullough Excavation - \$22,586.00 (Negotiated to engineer's estimate)

Aley Mini City Hall Lighting (CDBG) (Seneca and Esthner) (472-83988/602529/ 800301/010180) Does not affect existing traffic. (District IV)

Wichita Electric - \$6,830.00

Bracken Circle serving Lots 1 through 14, Block 5, from the south line of Zimmerly to and including the cul-de-sac; Zimmerly Court serving Lots 15 through 33, Block 5, from the south line of Zimmerly to and including the cul-de-sac to serve Woodland Lakes Estates Third Addition -north of Harry, west of 127th Street East. (472-83716/765848/490959) Does not affect existing traffic. (District II)

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Cornejo & Sons Construction - \$177,561.45

Kellogg (US 54) and Rock Road, Part 5: Grading, Concrete Pavement, Utilities, Temporary Seeding and Lighting between Rock Road and KTA north of existing Kellogg Avenue (472-83970/702335/401351) Traffic to be maintained during construction using flagpersons and barricades. (District II)

Cornejo & Sons Construction - \$952,061.78

Storm Water Drain #225 to serve Regency Lakes Commercial Second Addition - north of 21st Street North, west of Greenwich. (468-83775/751362/485253) Traffic to be maintained during construction using flagpersons and barricades. (District II)

Wildcat Construction - \$364,201.00

FIRE DEPARTMENT: Fire Department Uniforms.

Baysinger Police Supply - \$29,023.55\* (Group 1/total net bid)

\$ 4,374.30\* (Group 2/total net bid)

\*Refer to attachments for contract unit costs

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Demolition of Various Properties.

National Builders Inc. - \$81,620.00 (Group 1 total net bid)

PUBLIC WORKS DEPARTMENT/LANDFILL DIVISION: Mowing & Maintenance – Brooks Landfill.

D&R Mowing Services L.L.C. - \$33,743.00\* (Group 1 total net bid)

\*Refer to attachments for contract unit costs

PUBLIC WORKS DEPARTMENT/FLEET MAINTENANCE DIVISION: Front Deck Flex-Wing Mower.

Turf Professionals Equipment - \$76,790.00 (Group 1 total net bid)

FIRE DEPARTMENT/FIRE MAINTENANCE DIVISION: Slip-in Pumps & Tank Units.

Weis Fire & Safety Equipment Co., Inc. - \$29,370.00 (Group 1 total net bid)

FINANCE DEPARTMENT-IT/IS DIVISION: City Arts Telephone System.

Dynamic Computer Solutions of Topeka - \$30,503.00

FINANCE DEPARTMENT-IT/IS DIVISION: "New" CISC03725 Cisco.

Pathfinder Technologies - \$22,727.00 (Group 1 total net bid)

AIRPORT DEPARTMENT/ENGINEERING DIVISION: Airport Snow Plot Vehicles.

MB Companies Inc. - \$1,040,296.00\* (Group 1 base bid/

\$ 31,700.00 \*(Group 1/option 10

\*Pending FFA approval

Motion--  
--carried

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

## LICENSES

**APPLICATION FOR LICENSE FOR ADULT ENTERTAINMENT**  
**ESTABLISHMENTS/SERVICES:**

## Renewal - Adult Entertainment

Gail R. Crump                  GS Entertainment                  5858 South Broadway  
Dba Adult Super store

Motion-- Mayans moved that the license subject to Staff review and approval be approved. Motion  
--carried carried 7 to 0.

### Special Event

May 8, 2004

John Thien                      Wichita River Festival                      West Bank Stage

**CMB**

**APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:**

<u>Renewal</u>	<u>2004</u>	<u>(Consumption on Premises)</u>
Jose L. Mejia	El Jalisco Restaurant*	627 East 47th Street South
Kevin F. Raven	Taco Tico #4801*	2051 South Seneca
Kevin F. Raven	Taco Tico #4803*	460 North West Street
Kevin F. Raven	Taco Tico #4804*	3425 East Douglas
Kevin F. Raven	Taco Tico #4809*	1230 South Rock Road
Kevin F. Raven	Taco Tico #4812*	311 East Pawnee
Kevin F. Raven	Taco Tico #4813*	1303 North Tyler
Kevin F. Raven	Taco Tico #4814*	1118 West Douglas
Kevin F. Raven	Taco Tico #4842*	603 East 47th Street
Kevin F. Raven	Taco Tico #4845*	929 North Broadway
Kevin F. Raven	Taco Tico #4857*	3131 North Rock Road
Kevin F. Raven	Taco Tico #4861*	3257 East Harry

\*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion-- Mayans moved that the licenses subject to Staff review and approval be approved. Motion  
--carried carried 7 to 0.

**PRELIMINARY ESTS. PRELIMINARY ESTIMATES:**

- a) Water distribution system to serve Copper Gate Estates Addition - south of 13th Street North, west of 135th Street West. (448-89756/735181/470851) Does not affect existing traffic. (District V) - \$97,000
- b) Water distribution system to serve Remington Place Third Addition - south of 21st Street North, east of Webb. (448-89917/735183/470853) Does not affect existing traffic. (District II) - \$118,500
- c) Founders Circle (Wawona) from the south line of 21st Street North to the north line of Lot 3, Block 1 to serve The Collective Addition - south of 21st Street North, east of K-96. (472-83455/765834/622089 /490945/672122) Traffic on 21st Street North shall be maintained thru construction. (District II) - \$155,000
- d) Thurman from the west side of the plat to the west line of Suncrest Ave.; Suncrest Ave. from the east line of Thurman to the east side of the plat (between Lots 1, 2 & 3, Block A and Reserve "C"); Suncrest Ave. from the east line of Suncrest Ct. to the east line of the plat (between Reserve "C" and Lot 33, block D); 15th St. N. from the west line of Lot 6, Block B, east to Nantucket; Nantucket from the west line of Lot 16, Block D, east to Thurman; Suncrest Ct. south from Suncrest Ave. to and including the cul-de-sac; Sidewalk on Thurman and Suncrest Ave. to serve English Country Gardens

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Addition - north of 13th Street North, east of Tyler. (472-83935/765849/490960) Does not affect existing traffic. (District V) - \$468,000

e) Lateral 6, Main 19 Southwest Interceptor Sewer to serve Ridgeport North 5th Addition - south of 37th Street North, east of Ridge. (468-83524/744044/480732) Does not affect existing traffic. (District V) - \$294,000

f) Lateral 45, Main 24 War Industries Sewer to serve The Waterfront Addition - north of 13th Street North, east of Webb. (468-83773/744046/480734) Does not affect existing traffic. (District II) - \$15,000

g) Water distribution System to serve The Waterfront Addition - north of 13th Street North, east of Webb. (448-89920/735180/470850) Does not affect existing traffic. (District II) - \$14,000

h) Lateral 14, Main 19 Southwest Interceptor Sewer to serve Tyler's Landing Second Addition - south of 37th Street North, east of Tyler. (468-83726/744034/480722) Does not affect existing traffic. (District V) - \$585,000

i) Lateral 101, Sanitary Sewer #23 to serve Harbor Isle Third Addition - south of 53rd Street North, east of Meridian. (468-83106/744037/480725) Does not affect existing traffic. (District VI) - \$540,000

Motion--carried

Mayans moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

## REED'S COVE

### **CONSTRUCT A STORM WATER DRAIN TO SERVE REED'S COVE, REED COMMERCIAL AND REED'S COVE SECOND ADDITION, SOUTH OF 21ST, EAST OF 127TH STREET EAST. (DISTRICT II)**

Agenda Report No.04-0413

The Petition has been signed by one owner, representing 100% of the improvement district.

The project will provide drainage improvements to new residential and commercial developments located south of 21st, east of 127th Street East.

The Petition totals \$64,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

### RESOLUTION NO. 04-189

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain No. 230 (south of 21st Street, east of 127th Street East) 468-83800, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.



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## REGENCY LAKES

### **CONSTRUCT A STORM WATER DRAIN FOR REGENCY LAKES COMMERCIAL SECOND ADDITION, NORTH OF 21ST STREET, WEST OF GREENWICH. (DISTRICT II)**

Agenda Report No. 04-0414

On February 10, 2004, the City Council approved a Petition to construct a concrete box culvert to serve Regency Lakes Commercial 2nd Addition, located north of 21st, west of Greenwich. Storm water from the development drains south through an existing culvert under 21st Street. The capacity of the 21st Street culvert needs to be increased. The developer of Regency Lakes Commercial 2nd Addition submitted a Petition to expand the project to include the construction of an additional box culvert under 21st Street. That Petition was approved on April 6, 2004. An attempt to award a construction contract within the budget limits set by the Petition was not successful. The developer has submitted a new Petition with an increased budget. The signatures on the new Petition represent 100% of the improvement district.

A very large retail store is being built in Regency Lakes Commercial 2nd Addition. Constructing the additional box culvert under 21st Street at this time will eliminate the need to disrupt traffic into the site after the store is open.

The previously approved Petition totaled \$392,000, with \$342,000 assessed to the improvement district and \$50,000 paid by the Storm Water Utility. The new Petition totals \$427,000 with \$377,000 assessed to the improvement district and \$50,000 paid by the Storm Water Utility.

State Statutes provides that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

#### RESOLUTION NO. 04-190

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain No. 225 (north of 21st Street, west of Greenwich) 468-83775, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## CHAPEL HILL ADD. **PAVE STREETS IN CHAPEL HILL SECOND ADDITION, NORTH OF 13TH, EAST OF GREENWICH. (DISTRICT II)**

Agenda Report No. 04-0415

On March 16, 1999, the City Council approved a Petition to pave streets in Chapel Hill Addition. The developer has submitted a new Petition because the area has been replatted into Chapel Hill 2nd Addition. The signature on the new Petition represents 100% of the improvement district.

The project will serve a new residential development located north of 13th, east of Greenwich.

The original Petition totaled \$632,000. The new Petition totals \$580,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

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## RESOLUTION NO. 04-191

Resolution of findings of advisability and Resolution authorizing improving Chapel Hill/Crestwood/Bedford/Summerfield Loop Street, from the north line of 13th Street North to Summerfield. Summerfield from the west line of the Chapel Hill/Summerfield Loop to the west property line. Sidewalk be constructed on the east side of Chapel Hill from 13th Street North to the north line of Lot 1, Block 1, on both sides of Chapel Hill North of Lot 1, Block 1, and the Crestwood/Bedford/Summerfield loop, and the north side of Summerfield from the west side of the Chapel Hill/Crestwood/Bedford/Summerfield Loop to the west property line. That there be constructed a 20' wide emergency access road from Crestwood to 13th Street North (north of 13th, east of Greenwich) 472-83077, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## **KRUG NORTH ADD. SANITARY SEWER TO SERVE KRUG NORTH ADDITION, NORTH OF 21ST STREET, WEST OF 143RD STREET EAST. (DISTRICT II)**

Agenda Report No. 04-0416

The Petitions have been signed by one owner, representing 100% of the improvement districts.

These projects will provide sanitary sewer service to a new residential development located north of 21st, west of 143rd Street East.

The Petitions total \$428,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried Mayans moved that the Petitions be approved and the Resolutions adopted. Motion carried 7 to 0.

## RESOLUTION NO. 04-192

Resolution of findings of advisability and Resolution authorizing construction of Lateral 364, Four Mile Creek Sewer (north of 21st Street, west of 143rd Street East) 468-83787, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## RESOLUTION NO. 04-193

Resolution of findings of advisability and Resolution authorizing construction of Lateral 365, Four Mile Creek Sewer (north of 21st Street, west of 143rd Street East) 468-83788, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## **BOARD MINUTES MINUTES OF ADVISORY BOARDS/COMMISSIONS:**

Alternative Correctional Housing Advisory Board, December 11, 2003  
Deferred Compensation Board of Trustees, December 11, 2003  
Wichita Employees' Retirement System, December 17, 2003  
District VI Advisory Board, January 5, 2004  
District VI Advisory Board, January 21, 2004  
Wichita Employees' Retirement System, January 21, 2004  
Police & Fire Retirement System, January 28, 2004  
District V Advisory Board, February 2, 2004

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District VI Advisory Board, February 2, 2004  
Wichita Airport Advisory Board, February 2, 2004  
Police & Fire Retirement System Meeting, February 5, 2004  
Board of Park Commissioners, February 9, 2004  
Police & Fire Retirement System Meeting, February 12, 2004  
District VI Advisory Board, February 18, 2004  
Police & Fire Retirement System Meeting, February 24, 2004  
Police & Fire Retirement System Meeting, February 25, 2004  
Wichita Employees' Retirement System Meeting, February 25, 2004  
Police & Fire Retirement System Meeting, February 26, 2004  
Board of Code Standards And Appeals, March 1, 2004  
District VI Advisory Board, March 1, 2004  
Wichita Airport Advisory Board, March 1, 2004  
Wichita Public Library, March 16, 2004  
District VI Advisory Board, March 17, 2004  
Design Council Meeting, March 18, 2004

Motion--carried      Mayans moved that the minutes be received and filed. Motion carried 7 to 0.

## **STREET CLOSURES      CONSIDERATION OF STREET CLOSURES/USES.**

- 2822 E. 31<sup>st</sup> Street-Previously approved on 4/13/04 for April 18, 2004. Date of event revised to April 25, 2004.
- Broadway to Park Place and 20<sup>th</sup> Street to 22<sup>nd</sup> Street – Cinco de Mayo event on May 1, 2004.

Motion--carried      Mayans moved that the street closures be approved. Motion carried 7 to 0.

## **PUMP STATION      SEWAGE TREATMENT MAIN PUMP STATION.**

Agenda Report No. 04-0417

On January 19, 1999, the City Council approved a plan for a new sewage treatment plant and improvements to serve northwest Wichita. Utility Contractors Inc. was awarded a Contract to construct the main pump station that would supply wastewater to Cowskin Creek Water Quality Reclamation Facility. Change Order No. 1 is a combination of nine proposed contract modifications (PCMs) for the project.

All nine of the PCMs in this Change Order reflect either a reduction in cost, or added value to the City.

The Contract amount with Utility Contractors Inc. is \$2,258,629 and is part of Northwest Sewage Treatment Plant and Basins 1,2,3 (CIP S-512). Incorporating the modifications will result in a net reduction of \$15,021 representing a 0.67 percent decrease to the original Contract. Contract modifications for deduction amount to \$30,809; modifications being added amount to \$15,788. The project has been completed and will require no further changes.

The Change Order will be reviewed and approved by the Law Department.

Motion--  
--carried      Mayans moved that the Change Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

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## BIKE PATH

### 21ST STREET BIKE PATH, MAIZE TO RIDGE. (DISTRICT V)

Agenda Report No. 04-0418

On June 4, 2002, the City Council approved a project to construct a bike path along the north side of 21st, between Maize and Ridge. The Consulting Engineer underestimated the original bid quantities needed to complete the concrete bike path on this project. Also, work on another project to enlarge the weir at Chadsworth will require additional retaining walls at the pedestrian bridges along the bike path.

A Change Order has been prepared for the additional work. Funding is available within the project budget.

The total cost of the additional work is \$58,674. The original contract amount is \$312,119. The Change Order represents 18.3% of the original contract amount. Eighty percent of eligible construction costs are funded by Federal Grants through the Kansas Department of Transportation. The remainder of the project costs is funded by the City's General Obligation Bonds.

The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

Motion--  
--carried

Mayans moved that the Change Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

## K-MART

### SETTLEMENT OF LITIGATION – K MART EMINENT DOMAIN. (DISTRICT II)

Agenda Report No. 04-0419

This is an eminent domain appeal involving property at 8500 East Kellogg that the City acquired in connection with planned improvements to U.S. 54 between Rock Road and the Turnpike. The court appointed appraisers awarded the property owner \$7,000,000 and the City appealed.

The property owner has offered to settle this matter by agreeing that the fair market value for the property is \$5,980,000. This will result in the City receiving a refund of \$1,020,000 from the property owners. Given the risks and costs of litigating this matter through trial, the proposed settlement is a favorable way to resolve this matter.

The refunded payment will be credited to the East Kellogg (Rock Road to Turnpike) project funds.

The Law Department recommends acceptance of the settlement offer.

Motion--  
--carried

Mayans moved that the outside counsel to settle the pending K Mart eminent domain appeal on the terms set out above be authorized. Motion carried 7 to 0.

## CONDEMNATIONS

### REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Agenda Report No. 04-0420

On April 5, 2004 the Board of Code Standards (BCSA) held a hearing on the following four (4) properties. These properties are considered dangerous and unsafe structures, and are being presented to schedule a condemnation hearing before the Governing Body.

Improvement notices have been issued on these structures, however compliance has not been achieved. Pre-condemnation and formal condemnation letters were issued and the time granted has expired. No action has been taken to repair or remove these properties.

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<u>Property Address</u>	<u>Council District</u>
a. 2524 East Mossman	I
b. 426 North Ash	I
c. 420 South Estelle	I
d. 303 South Zelta	II

These structures have defects that under Ordinance No. 28-251 of the Code of the City of Wichita shall cause them to be deemed as dangerous and unsafe buildings, as required by State Statute for condemnation consideration.

Motion--

Mayans moved that the Resolutions to schedule a hearing and place these matters on the agenda for a Hearing before the Governing Body on June 8, 2004 at 9:30 a.m. or as soon thereafter be adopted.

--carried

Motion carried 7 to 0.

## RESOLUTION NO. 04-194

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: w. 52 ft. e. 54 ft. s 1/2 lot 7, Frisco now 9th St. Mossman's Addition, known as 2524 East Mossman may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## RESOLUTION NO. 04-195

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the city of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 26, Short now Ash St. Devore's Sub., known as 426 North Ash may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## RESOLUTION NO. 04-196

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the city of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 15-17, Coleman's Addition, known as 420 South Estelle may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## RESOLUTION NO. 04-197

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the city of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 1, Linwood Acres Addition known as 303 South Zelta may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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## PROPERTY ACQ.

### ACQUISITION OF A PORTION OF 3100 NORTH MAIZE FOR THE 29TH STREET NORTH, MAIZE TO TYLER IMPROVEMENT PROJECT. (DISTRICT V)

Agenda Report No. 04-0421

The widening and improvement of 29th Street North, Maize to Tyler is included in the approved 2002-2011 Capital Improvement Program adopted by the City Council. As part of this project, 29th Street will have a four-lane roadway with a landscaped median. These improvements will require the acquisition of a portion of the agricultural and residential property on the northeast corner of Maize and 29th Street commonly known as 3100 North Maize. The site contains 22.84 acres and is improved with a single-family residence and farm improvements. The taking requires .48 acres and does not impact the improvements.

The acquisition was appraised at \$7,524 for the .48-acre acquisition and the .24-acre temporary easement. The owner has agreed to a negotiated amount of \$8,600.

The Capital Improvement Program includes funds for road improvements. The funding source for the City Share is General Obligation Bonds. A budget of \$9,600 is requested. This includes \$8,600 for the acquisition and \$1,000 for closing costs and title insurance.

Motion--  
--carried

Mayans moved that the Budget be approved; the Real Estate Purchase Contract approved and the necessary signatures authorized. Motion carried 7 to 0.

## PROPERTY ACQ.

### ACQUISITION OF A PORTION OF 9926 WEST 29TH STREET NORTH FOR THE 29TH STREET NORTH, MAIZE TO TYLER IMPROVEMENT PROJECT. (DISTRICT V)

Agenda Report No. 04-0422

The widening and improvement of 29th Street North, Maize to Tyler is included in the approved 2002-2011 Capital Improvement Program adopted by the City Council. As part of this project, 29th Street will have a four-lane roadway with a landscaped median. These improvements will require the acquisition of a portion of the agricultural and residential property on the northeast corner of Maize and 29th Street, commonly known as 9926 West 29th Street North. The site contains 8.57 acres and is improved with a single-family residence. The taking requires .29 acres and does not impact the improvements.

The acquisition was appraised at \$4,542 for the .29-acre acquisition and the .14-acre temporary easement. The owner has agreed to a negotiated amount of \$5,300.

The Capital Improvement Program includes funds for road improvements. The funding source for the City Share is General Obligation Bonds. A budget of \$6,300 is requested. This includes \$5,300 for the acquisition and \$1,000 for closing costs and title insurance.

Motion--  
--carried

Mayans moved that the Budget be approved; the Real Estate Purchase Contract approved; and the necessary signatures authorized. Motion carried 7 to 0.

## CONTRACTS/AGMT

### CONTRACTS & AGREEMENTS BLANKET PURCHASE ORDERS RENEWAL OPTIONS - MARCH 2004.

Motion--carried

Mayans moved that the report be received and filed. Motion carried 7 to 0.

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## **TAX CREDIT PROG. KANSAS COMMUNITY SERVICE TAX CREDIT PROGRAM APPLICATIONS.**

Agenda Report No. 04-0423

Each year, since 1994, the Kansas Community Service Program (CSP) has offered non-profit organizations a way to improve their ability to undertake major capital fund-raising drives for various projects. A total of \$4.1 million of tax credits has been allocated and will be awarded this year to eligible non-profit organizations to offer Kansas tax credits for contributions made to approve projects. Under this program, projects eligible for tax credit awards include community service, crime prevention, and health care. Eligible contributors (usually private for profit companies) receive a tax credit equal to 50% of the amount donated to non-profits. Typically, the tax credit proceeds are used for capital projects, either new facilities or expansion of existing facilities that are one-time in nature. Applications for the State tax credits for non-profits are competitive. The Kansas Community Service Program is administered by the Kansas Department of Commerce.

Boys and Girls Club of South Central Kansas, Inc., Inter-Faith Development Corporation, Rainbows United, Inc., Reclaim, Inc., SER Corporation, Urban League of Wichita, Inc., and Young Men's Christian Association (YMCA) of Wichita, Kansas, have each submitted a request for Local Government Endorsement of their State tax credit applications. If approved by the State, the contributor is eligible to receive 50% credit of the cash contribution towards their State income taxes for contributions made to the community service organization during a one-year period from the date of application approval.

The applications presented by Boys and Girls Club of South Central Kansas, Inc., Inter-Faith Development Corporation, Rainbows United, Inc., Reclaim, Inc., SER Corporation, Urban League of Wichita, Inc., and Young Men's Christian Association of Wichita, Kansas, have been reviewed by the Departments of Finance, Housing, and Planning and are consistent with the City's goals and objectives.

The proposed applications do not conflict with any local plans, zoning or land use requirements. The endorsement does not obligate the City to fund, supervise or in any way associate itself with the applicant. A Local Government Endorsement is required by the Kansas Department of Commerce. If the City does not approve the Local Government Endorsement, the applicant will lose points in the competitive application process.

The City is not obligated to provide any financing for the projects and approval of the Local Government Endorsement does not obligate the City to fund any project or provide real property for a project.

Motion--  
-- carried

Mayans moved that the applications be supported and that Mayor be authorized to sign the Local Government Endorsement Forms. Motion carried 7 to 0.

## **HYDRAULIC IMP. HYDRAULIC IMPROVEMENT, BETWEEN 57TH STREET SOUTH AND 47TH STREET SOUTH. (DISTRICT III)**

Agenda Report No. 04-0424

Due to the size of the Hydraulic, 47th Street South to 57th Street South improvement project, the project was broken into three phases. Phasing the project allowed utility, drainage, right of way and pavement improvements with the least possible impact on existing traffic.

On February 3, 2004, the City Council approved the final phase of the \$11,000,000 project. Phase III improves Hydraulic from MacArthur to 57th Street South. Phase I was initiated on March 6, 2001, and Phase II was initiated on March 19, 2002. The first two phases were funded entirely from General Obligation Bonds.

Use of Federal funding on Phase III provides a savings of \$3,000,000 in local taxes (G.O. Bonds) for the project.

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Project savings from the previous construction phases is needed to complete the project. Using \$950,000 of the previous savings (half of the total \$1.9 million savings to date) would allow completion of the Hydraulic improvements. Total estimated costs for the last phase are \$5,050,000 (\$3,000,000 Federal, \$2,050,000 City G.O.).

Motion--  
--carried

Mayans moved that the revised project budget be approved; the previous G.O. funding be re-authorized and the Ordinance be placed on first reading. Motion carried 7 to 0.

## ORDINANCE

An Ordinance amending Ordinance No. 45-989 of the City of Wichita, Kansas, declaring Hydraulic, Between 47th Street South and 57th Street South (472-83902) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

## SIGNALIZATION

### CENTRAL, TYLER TO WOODCHUCK AND SIGNALIZATION AT SOCORA. (DISTRICT V)

Agenda Report No. 04-0425

On March 5, 2002, the City Council approved a project for widening Central from Tyler to Woodchuck to five lanes that was combined with two petitioned projects for traffic signalization at Central and Socora.

Costs for construction have exceeded estimated amounts by nearly \$10,000.

Project savings from the construction of the adjacent paving project on Central from Maize to Tyler are available to fund the additional \$10,000 of General Obligation costs for the Central from Tyler to Woodchuck project.

Motion--  
--carried

Mayans moved that the transfer of funding be authorized; the revised project budget be approved and the Ordinances be placed on first reading. Motion carried 7 to 0.

## ORDINANCE

An Ordinance amending Ordinance 45-217 of the City of Wichita, Kansas, declaring Central Avenue, between Tyler and Woodchuck (472-83192) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

## ORDINANCE

An Ordinance amending Ordinance No. 45-506 of the City of Wichita, Kansas, declaring Central Avenue, between Maize Road and Tyler Road (472-83659) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.



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## ORDINANCES

### SECOND READING ORDINANCES: (FIRST READ APRIL 13, 2004)

- a) Z-3179 and ZON2000-00027 - zone change from two-family residential to general office, limited commercial and multi-family Residential, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. . (District II)
- b) A04-13 - near the northeast corner of the intersection of 29th Street North and 119th Street West, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (District V)

### PLANNING AGENDA

John Schlegel Director of Planning reported that the applicant regarding Item 29 requested that the Item be deferred until May 4, 2004, so that they can meet with the neighbors.

Motion-- Mayans moved that Planning Agenda, except for Item 29, be approved as presented. Motion  
--carried carried 7 to 0.

(Agenda Item 29)  
**ZON 2004-06**

**ZON 2004-06-ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO LIMITED INDUSTRIAL WITH A PROTECTIVE OVERLAY DISTRICT TO LIMIT PERMITTED USES AND PROVIDE SCREENING/BUFFERING, GENERALLY LOCATED SOUTH OF 37TH STREET NORTH AND WEST OF BROADWAY. (DISTRICT VI)**

Motion--carried Mayans moved that this item be deferred until May 4, 2004. Motion carried 7 to 0.

**SUB 2002-30**

**SUB 2002-30-PLAT OF LA DEL MANOR ADDITION, LOCATED NORTH OF MAPLE AND ON THE WEST SIDE OF 167TH STREET WEST. (COUNTY)**

Agenda Report No. 04-0427

Staff Recommendation: Approve the plat.  
MAPC Recommendation: Approve the plat. (9-0)

This unplatted site, consisting of two (2) lots on 15.77 acres, is located in the County within three miles of Wichita's city limits. A zone change (ZON 2001-51) from RR, Rural Residential District to MH, Manufactured Housing District has been approved. Sanitary sewer services are available to serve the site.

A Petition (100 percent) and a Certificate of Petition have been submitted for future water main improvements. A Driveway Closure Certificate has been provided.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the Ordinance should be withheld until the plat is recorded with the Register of Deeds.

The Certificate of Petition and Drive Approach Closure Certificate will be recorded with the Register of Deeds.

Motion-- Mayans moved that the documents and Plat be approved; the necessary signatures be authorized; the  
--carried Resolutions be adopted; and the ZON 2001-51 Ordinance be placed on first reading with publication being withheld until the Plat is recorded with the Register of Deeds. Motion carried 7 to 0.

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## RESOLUTION NO. 04-198

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89948 (west of 167th Street West, north of Maple) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. (ZON 2001-51)

SUB 2003-93

### **SUB 2003-93-PLAT OF STEVE KELLEY FIFTH ADDITION LOCATED ON THE SOUTH SIDE OF 13TH STREET NORTH, EAST OF HOOVER. (DISTRICT VI)**

Agenda Report No. 04-0428

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0)

This site, consisting of 32 lots on 7.78 acres, is a replat of part of Eastridge Addition and is zoned SF-5, Single-Family Residential District. This site is located within Wichita's city limits.

Petitions (100 percent) and a Certificate of Petitions have been submitted for sewer, water and paving improvements. This site is within the noise impact areas of McConnell Air Force Base; therefore, a Restrictive Covenant and an Avigational Easement has been submitted. The applicant has submitted a Restrictive Covenant that provides four (4) off-street parking spaces per dwelling unit on each lot that abuts a 32-foot street. This site proposes platting narrow street right-of-way adjacent to 15-foot street drainage and utility easements. A Restrictive Covenant has been submitted that outlines restrictions for lot-owner use of these easements. A Temporary Easement have also been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions, Easements (2) Restrictive Covenants (3) and Avigational Easement will be recorded with the Register of Deeds.

Motion--  
--carried

Mayans moved that the documents and Plat be approved; the necessary signatures be authorized; and the Resolutions be adopted. Motion carried 7 to 0.

## RESOLUTION NO. 04-199

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89945 (south of 13th Street, east of Hoover) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

## RESOLUTION NO. 04-200

Resolution of findings of advisability and Resolution authorizing construction of Lateral 272, Main 5, Sanitary Sewer #22, (south of 13th Street, east of Hoover) 468-83801, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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## RESOLUTION NO. 04-201

Resolution of findings of advisability and Resolution authorizing improving Clara Street, from the east line of Doris Street, east and south to the south line of the Plat. Doris Street from the south line of 13th Street North to the south line of the Plat. Sidewalk be constructed along one side of Doris Street (south of 13th Street, east of Hoover) 472-83993, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans

SUB 2003-134

### **SUB 2003-134-PLAT OF CLARK ELEMENTARY ADDITION, LOCATED SOUTH OF KELLOGG, EAST OF WOODLAWN. (DISTRICT II)**

Agenda Report No. 04-0429

Staff Recommendation: Approve the plat.  
MAPC Recommendation: Approve the plat. (10-0)

This site, consisting of one (1) lot on 6.96 acres, is a replat of part of Eastridge Addition and is zoned SF-5, Single-Family Residential District. This site is located within Wichita's city limits.

Municipal services are available to serve the site. This site is within the noise impact areas of McConnell Air Force Base; therefore, a Restrictive Covenant and an Avigational Easement have been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Restrictive Covenant and Avigational Easement will be recorded with the Register of Deeds.

Motion--  
--carried

Mayans moved that the documents and Plat be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

### **AIRPORT AGENDA**

SKYCAP SERVICES

### **SUPPLEMENTAL AGREEMENT NO. 5 - SKYCAP SERVICES.**

Agenda Report No. 04-0430

Harrison Armstrong has managed the skycap operation on Wichita Mid-Continent Airport for a number of years as an independent contractor. Mr. Armstrong is responsible for managing the program, maintaining adequate staffing, and providing baggage handling and passenger assistance services to the general public, from 5:00 a.m. until 10:30 p.m. on a daily basis.

Provision of this service as a management arrangement, allows the WAA to contract with an individual on an independent contractor basis, and assigns the responsibility for the supervision of those employees to that individual. Mr. Armstrong is responsible for hiring and training these individuals, as well as assuring that payment of employees and working conditions are in accordance with all applicable wage and hour and other employment laws. The supplement is for the period March 1, 2004 through February 28, 2005. At that time, the associated costs for maintenance of this program will be reviewed and submitted for approval.

Cost to the WAA for the management of this program is \$83.07 per day for an annual cost of \$30,321. This is a slight decrease of \$58 per year, and reflects the current cost of providing this service. In the event that increased coverage is required, an additional \$3,000 is included in the supplement, which would allow adjustment of the daily rate, if the increase can be substantiated.

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Motion--  
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

## **TELEPHONE EQUIP. TELEPHONE EQUIPMENT MAINTENANCE.**

Agenda Report No. 04-0431

The Airport Department operates the telephone system on Wichita Mid-Continent Airport. Tenants are re-billed for use of the system equipment and for telecommunication services, which are purchased at a volume discount and resold with a markup that still results in a savings for the users. Net revenues to the WAA are in excess of \$200,000 per year. The WAA has contracted with CommLink since 1996 to provide maintenance of the telecommunications equipment.

A telecommunications systems maintenance Request for Proposal was published in accordance with City of Wichita purchasing regulations. One response was received by the Purchasing Manager of the City from CommLink, Inc. This company employs certified technicians who can work on the equipment that the airport owns and operates. The agreement is for one year, and includes a 30-day termination and payment cancellation clause.

The cost of providing the maintenance services at Mid-Continent Airport is \$82,200, which is an increase of \$3,875 from the previous year. Funds are available in the current operating budget for this service.

Motion--  
--carried

Mayans moved that the maintenance agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

## **ROOF**

### **ROOF REPLACEMENTS.**

Agenda Report No. 04-0432

On December 30, 2003 the Wichita Airport Authority approved a project for Roof Replacements.

The Staff Screening and Selection Committee interviewed four firms and selected Howard & Helmer Architects for professional services.

The contract is \$22,730 and funds are available in the approved budget.

Motion--  
--carried

Mayans moved that the contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

## **STREET SIDE**

### **STREET SIDE PAVEMENT, WICHITA MID-CONTINENT AIRPORT.**

Agenda Report No. 04-0433

The 2004 Capital Improvement Program allows for street side pavement improvements.

Street side pavements are identified in a program for replacement. As part of this project, sidewalks and wheel chair ramps will be reconstructed to address ADA issues.

The project is estimated to cost \$52,000 and will be funded with airport revenue.

The plans and specifications will be approved by the Law Department.

Motion--carried

Mayans moved that the project be approved. Motion carried 7 to 0.

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## RECESS

Mayans moved that the City Council recess at 11:45 a.m. into Executive Session to consider: Consultation with legal counsel on matters privileged in the Attorney-Client Relationship relating to: Legal advice, contract negotiations and confidential data relating to the financial affairs or trade secrets of a business and that the Council return from Executive Session no earlier than 12:15 p.m. and reconvene in the City Council Chambers. Motion carried 7 to 0.

--carried

## RECONVENE

The Council Members reconvened in the Council Chambers at 12:15 p.m.

Mayor Mayans

Mayor Mayans announced that no action was taken.

Motion--carried

Mayans moved at 12:16 p.m. to adjourn the executive session. Motion carried 5 to 0, (Fearey and Martz absent).

Motion--carried

Mayans moved at 12:17 p.m. to adjourn the regular meeting. Motion carried 7 to 0.

Adjournment

The City Council meeting adjourned at 12:17 p.m.

Karen Schofield  
City Clerk